



PAPER A

Purpose: For Decision

Committee report

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| Committee | REGULATORY COMMITTEE |
| Date | 25 FEBRUARY 2013 |
| Title | TO DETERMINE AN APPLICATION BY EUROVIA ROADSTONE LIMITED UNDER THE ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2010 FOR PART B LOCAL AUTHORITY POLLUTION PREVENTION AND CONTROL PERMIT TO OPERATE A ROADSTONE COATING PLANT AT MEDINA WHARF ARCTIC ROAD COWES ISLE OF WIGHT PO31 7 PG |
| Report of | BILL MURPHY HEAD OF PLANNING AND REGULATORY SERVICES |

SUMMARY

1. The proposed location of the plant is Medina Wharf, Arctic Road, Cowes (See map at Appendix C). This forms part of the Cowes Medina electoral division. If granted the permit remains in place until it is surrendered or revoked.
2. The proposed Asphalt Plant consists of 3 separate processes on the one site:
 - Hot Asphalt Mixing Plant using oil based bitumen and virgin aggregates for roadstone coating (the subject of this report)
 - a Jaw Crusher for crushing road planings
 - Cold Recycling Mixing Plant which would be used for reprocessing old road planing into base material for new road surfacing.
3. Mobile Jaw Crushers and Roadstone Coating plants require permits (licences) under the Environmental Permitting (England and Wales) Regulations 2010 (EP Regulations), due to their potential to cause adverse emissions to air (odour, dust, gases).
4. An Environmental Permit application has been submitted for the Hot Asphalt Mixing Plant only.
5. EP applications have, to date, typically been determined at officer level under delegated authority.
6. Due to the public interest in both the planning and environmental permit (EP) applications The Head of Planning and Regulatory services has considered that it is appropriate for the Regulatory Committee to determine this application.

7. The consultation period for the application took place between 1 November and the 5 December 2012. There were 92 representations from, 60 individuals.
8. The Local Authority (LA) is at a stage where it must determine the application and either issue or refuse to issue a permit.
9. The only grounds for refusal are:
 - if the applicant will not be the operator of the installation, or
 - the applicant will not operate the facility in accordance with the permit (i.e. they have not shown in their application how they will comply with any permit).
10. Officers believe there is sufficient information to determine the application however; Members may decide that further information is required.
11. The legislative framework applicable only concerns air pollution (emissions to air) and does not include pollution of controlled waters, land contamination or noise. These matters are being examined/assessed through the Planning Process. For Members information government guidance to local authorities on planning matters is set out in the National Planning Policy Framework (2012) (NPPF). This makes it clear at paragraph 122 that the Planning system should focus on issues as to the suitability of the use of land but should not focus on the “control of processes or emissions themselves where these are subject to approval under pollution control regimes”.
12. Environmental Health recommends the Regulatory Committee resolves to issue the Permit with conditions.

BACKGROUND

13. Schedule 1 of the Environmental Permitting (England and Wales) Regulations 2010 (the Regulations) outlines which industrial processes require environmental permits, the categorisation of them and the authority who will regulate and enforce the permit.
14. The specified categories are as follows:

| | |
|---------------------|---|
| Part A (1) | - Regulated by the Environment Agency |
| Part A (2) | - Regulated by a District or County Council |
| Part A Mobile Plant | - Regulated by the Environment Agency |
| Part B | - Regulated by a District or County Council |
| Part B Mobile Plant | - Regulated by a District or County Council |

In this context a Unitary Council is responsible for regulating any process that falls to a District or County to regulate.
15. In general the activities regulated by Local Authorities are less polluting than those regulated by the Environment Agency.

16. Under the Regulations the operator of an installation must apply for a permit prior to operating the installation. The application requires the operator to complete an application form, provide the additional information required and to pay the required fee.
17. Schedule 5 of the Regulations outlines the process of granting a permit application. This specifies the consultation processes that must be applied by the local authority in determining the application, as well as the timescales in which it has to do this. These are as follows:
 - (a) Within 10 days of the application:
 - Confirm that it is considered 'duly made.
 - Place the application on the public register
 - Initiate a 30 day public consultation and notify national consultees.
 - (b) Within 4 months of the application
 - Determine the application
 - (c) Post approval
Place a copy of the permit on the public register
18. The purpose of the permitting regime is to protect air quality. The applicant must comply with EU air quality standards and show how the activity will use the best available techniques to control air pollution. To assist the local authority the Department for Environment, Food and Rural Affairs (DEFRA) have issued a Statutory Guidance note 3/15(12) for Roadstone Coating. This details the Best Available Techniques (BAT) that should be applied to this type of activity.
19. This Guidance Note was last reviewed in 2012. Permits need to ensure that these best available techniques are implemented and that EU air quality standards can be achieved. Operators are not expected to go beyond what is outlined in the statutory guidance notes unless the EU air quality standards are being or likely to be exceed.
20. Once a permit has been issued the Regulations require the enforcing authority to review the permit every 6 years and make periodic inspections of the regulated process. The European Union (EU) has issued guidance over what this means in practice.
21. The regulations also provide a number of enforcement powers available to the authority. The DEFRA General Guidance Manual (Statutory Guidance) as well as Central government and Isle of Wight Council enforcement policies outline what enforcement is expected for different situations.
22. The planning application for the Proposed Asphalt Plant, Medina Wharf, Arctic Road, Cowes reference P/00472/12 contains four activities which require Environmental Permits:
 - a. Hot Asphalt mixing plant;
 - b. Concrete Jaw Crusher;

- c. Cold Asphalt recycling mixing plant; and
 - d. The handling of waste asphalt planings
23. The Hot Asphalt mixing plant is a stand alone operation as this produces roadstone coatings from virgin material (i.e. Oil bitumen, aggregates, sand and binders such as cement). This plant will not process any road planings as these could potentially contain coal tar; which is no longer allowed under the EP Regulations. The plant is capable of producing 160 tonnes/hour.
 24. The Jaw Crusher, Cold Asphalt recycling mixing plant would deal with the waste asphalt planings as a separate operation to the Hot Asphalt plant. This would be used to produce a sub base material for the roads.
 25. Activities (i) to (iii) are regulated by Local Authorities. Activity (iv) is regulated by the Environment Agency (EA). The EA has confirmed they have not received any application for the handling of waste asphalt planings.
 26. Eurovia Roadstone Limited has applied for a part B permit for a Hot Asphalt Roadstone Coating Plant which was accepted as duly made on the 15 October 2012.
 27. Initially Eurovia had applied in August 2012 for all three plant under one permit. However, they withdrew this application for the following reasons:
 - a. The Jaw Crusher and Cold Asphalt recycling mixing plant they intend to use is mobile plant. The EP Regulation do not allow for mobile plant to be covered by the same permit as fixed plant (i.e. Hot Asphalt Mixing Plant).
 - b. Hazardous Waste Permits, which are issued by the EA, cannot be issued unless planning permission has been granted. Due to the Jaw Crusher and Cold Asphalt recycling mixing plant handling road planning that could potentially contain coal tar material, this is classed as hazardous waste, and a permit will be required (there may be some exemptions).
 28. There is no provision in the EP regulations which prevents the determination for an application for the Hot Asphalt mixing plant before planning permission has been granted.
 29. Due to the public interest in both the planning and environmental permit (EP) applications the Head of Planning and Regulatory services has considered that it is appropriate for the Regulatory Committee to determine this application.
 30. Eurovia have not given final confirmation of whether they will use mobile plant permitted from a mainland authority or will be applying for permits from the Isle of Wight Council.

CONSULTATION

31. The application was confirmed as duly made on the 15 October 2012. The application and supporting information (including site plans and descriptions of measures to meet the conditions of any permit) are background papers.
- a. As required under the regulations the consultation period commenced on the 1 November 2012 and closed on 5 December 2012 and involved the following: Sending a copy of the application to the Director of Public Health for the Isle of Wight Primary Care Trust, the Environment Agency and Natural England.
 - b. Providing the application, supporting documents and copies of all representations made (updated daily) at Jubilee stores for members of the public to view.
 - c. Emailing/writing to all objectors to the Planning Application alerting them to the EP application and where to find it.
 - d. Emailing/writing to Cowes and East Cowes Town Councils, Whippingham and Northwood parish Councils and Ward Councillors for Cowes Medina, East Cowes, Whippingham & Osborne and Cowes South & Northwood Electoral Divisions.
 - e. Publishing the application and supporting documents on the Environmental Health website, with alerts and links to/from the Planning Website, and iwight.com home page 'Consultations' page.
 - f. Providing posters near to the site to alert members of the public of the application and where to find it.
 - g. Advertising the application in the County Press outlining where the documents can be viewed.
32. The minimum requirements for consultation regarding Part B applications is to carry out (i) and (ii) above. Where the application is particularly controversial, the Environmental Permitting General Guidance Manual on Policy and Procedures for A2 and B Installations (General Guidance Manual) outlines that the LA should carry out at least one of the methods from iii to vii above.
33. Responses were received from:

Director of Public Health

Compliance with the Process Guidance note with the use of best available techniques, good management and regulation will mean that the operation of this site is unlikely to have an impact on public health.

The Environment Agency

Some waste activities on the site may require a permit from the EA. The granting of planning permission does not necessarily lead to the grant of a permit.

Natural England

Subject to the permit not permitting any activity outside the scope of planning permission NE have no further comments to make. No adverse comments were made in relation to air pollution. They highlight that the planning application proposed that an acoustic screen and bund be put in place around the site, they would not wish to see any plant operating on the site until this

has been put in place due to the sensitivities of the adjacent SSSI and European site.

Northwood Parish Council

Expressed concern in respect citing similar objections to those raised in respect of the planning application

- An unacceptable increase in traffic and associated noise/pollution, in particular in the area of Artic Road
 - A perceived unacceptable increase noise/pollution
 - The danger posed by emissions in an increasingly populated area
 - The potential for pollution/damage to the River Medina
 - The nuisance to residents over a wide area from odorous emissions
 - Loss of visual amenity to local residents
 - Conflict with the Eco Island strategy
 - The threat to future inward investment, with particular regard to good quality housing and 'High end' industry"
34. 92 representations from 60 other interested parties were received regarding the application. These representations raised a number of issues some of which are not considered relevant for the determination of this application.
35. Key points expressed during the consultation are as follows:

Relevant to the determination:

- Criticism of proposed use of frisbee gauge for offsite particulate matter monitoring.
- Concerns that the only measurement device will be the Frisbee gauge.
- Higher than average incidence of Asthma in the Cowes area, concern over the prospect of an asphalt plant being sited in the area.
- The Council has not discharged its' duties with regards to air quality.
- What are the health risks to the elderly, chronically sick or those with breathing problems.
- Concern expressed regarding the determination of the Environmental Permit before Planning Permission has been granted.
- Concerns over the affect of leaks from the installation will have on the River Medina, East and West Cowes and all other areas.
- Although the applicant has outlined in the application that they are accredited under ISO 14001, this may not be applicable to this site.
- The application has not proposed any odour abatement.
- The application states displaced air from binders (bitumen) does not pass through abatement plant prior to emission to the air.
- Concerns over the lack of wheel washing facilities identified in the application.
- Concerns over what safety devices will be used in event of power failure or computer malfunction.
- Failure to describe the proposed systems to be used in the event of unintentional releases and their consequences.
- That PM1 particulate matter is the cause of odours from volatile organic compounds in the process and as such a lack of odour abatement

indicates a health risk from such compounds as those particles are carried much higher distances than the larger PM10 nuisance dust.

- Concerns over the affects from the proposed plant on the adjacent Site of Special Scientific interest.
- Queries within representations over what the term 'Granulate' means, and its function within the overall process.
- Concern over the current standards if they were, sometime in the future, found to be inadequate in protecting health, indicating the Isle of Wight Council has a duty of care to consider current research.

Not relevant to the determination:

- French Appeal Court decision concerning Eurovia Roadstone. Eurovia is not a responsible organisation and there are significant adverse health effects from bitumen.
- How residents can register a complaint regarding any air pollution from the proposed site and what will be done about their complaint.
- Concerns regarding the use of 'mobile' equipment on site where such equipment is permitted by a mainland authority.
- Disagreement with information contained in the application that the proposed installation will not cause a nuisance.
- Concerns that objections to the Planning Application will not be considered when determining the Environmental Permit.
- The consultation period should have been extended due to certain diagrams and plans on the application document not being clear.
- Concerns over the adequacy of the Air Quality Assessment (AQA) provided with the Planning application.
- Concerns over the permit application claiming that there is no recycling of road planings mentioned.
- The application states there will be continuous emission monitors in place, but these are not identified in the Planning Application.
- Applicant is applying for environmental permits on a piece-meal basis allows no overall process understanding by the community.
- Concerns that the cold recycling of hazardous, coal tar containing asphalt pavement was not included in this application.
- Concern over the controls to protect health from the entire process for the handling of recycled material.
- The article in the Lancet - 'Evaluation of occupational exposure to bitumen and bitumen emissions' which cites 'There is inadequate evidence in humans for the carcinogenicity of occupational exposures to straight run bitumen during road paving'.
- Concerns that none of the objections have been published online (as has been done with the planning application).

36. Under the guidance the permit should be determined within 4 months of the application and therefore by 15 February 2013. However, due to the 25 February 2013, being the earliest date available for the Regulatory Committee to meet, the applicant was written to requesting they agree to an extension until this time for the determination. Confirmation was received from the applicant on the 31 January 2013 agreeing to this extension.

FINANCIAL / BUDGET IMPLICATIONS

37. The Isle of Wight Council has received £1,579 from Eurovia Roadstone Limited to cover the cost of the application process. If the activity becomes operational an annual subsistence fee would be required, this would cover the costs of inspections and complaint investigations, and any enforcement action. These fees range between £739 and £1,672, which is determined by a risk scoring scheme (based on compliance with the permit) at the previous inspection. The initial fee would be £1,672.

EVALUATION

38. In determining whether to issue the permit the Regulatory Committee must consider the following:
- Whether the technical information provided with the application provides adequate control; or whether the information provided by the operator provides a reasonable basis to determine the permit conditions.
 - The adequacy of the operator's management system
 - The operator's technical competence
 - The operator's record of compliance with previous regulatory requirements
 - The operator's financial competence.
39. The applicant operates an Environmental Management System (EMS) certified as being compliant with BS EN ISO 14001:1996 with an existing site. This is an indication that the applicant is capable of achieving a recognised standard.
40. The applicant has declared in part H of the application form that they have had no convictions in relation to EP regulations in the last 5 years. Environmental Health has made contact with Suffolk Coastal District Council and Barking and Dagenham London Borough Council (where Eurovia have existing plant) who have stated that Eurovia's compliance history is satisfactory with no history of enforcement action or record of convictions.
41. Environmental Health has no reason to suspect Eurovia Roadstone Ltd is not financially competent to comply with any environmental permit. The information provided by Companies House in the form of historical financial statements do not suggest there are any financial concerns which will result in the company not being able to comply with any Permit.
42. The supporting information provided with the application indicates the company will have technical competence to comply with the conditions of any permit. The application and supporting information has outlined that the Best Available Techniques in accordance with Process Guidance Note PG3/15(12). Suffolk Coastal District Council and Barking and Dagenham LBC, where Eurovia have other Roadstone Coating Plants, have informed us they have not encountered any problems indicating there is a lack of technical competence.

43. If the listed considerations under para 5.1 above are not adequately considered the conditions of the permit could be breached with the potential for harm to human health or the environment. Furthermore the permit will need to contain conditions which are suitable and sufficient to control any emission to air that could give rise to harm to human health or the environment.
44. The General Guidance Manual outlines that it is good practice for authorities to send draft permits to operators for comments before issuing the formal document. On a without prejudice basis a copy of a draft permit has been sent to the applicant.
45. If the Committee decides that there is insufficient information to determine the application, the Authority can serve a further information notice (FIN) on the applicant to require it. The authority should not use this procedure to delay the determination unnecessarily, or to obtain additional information that is peripheral to the main issues, or is not strictly needed for the purpose of determining the application.

CONSIDERATION OF CONSULTATION RESPONSES

46. 92 responses were received from 60 individuals or organisations making representations on the application during the consultation period. These representations are addressed below:

MATTERS RELEVANT TO THE DETERMINATION

47. Criticism of proposed use of frisbee gauge for offsite particulate matter monitoring.

A Frisbee gauge is essentially an inverted, concave collection vessel onto which particulate matter is deposited by gravity. It allows for dust to be analysed at a later date but does not identify the direction from which deposited dust comes. It does not provide any immediate feedback that identifies any acute incident of dust deposition. Direction is necessary to establish whether dust has come from a particular source. Whilst active monitoring (pumping) systems are available they are expensive and give limited information with regards to the source of dust.

Following discussion with the applicant it has been confirmed that British Standard directional dust gauges will be used to monitor offsite dust deposition in place of the Frisbee gauge.

48. Concerns that the only measurement device will be the Frisbee gauge.

This is not the only measurement device. The applicant has agreed to install a continuous indicative emission limit monitor to be fitted into the final discharge stack. Periodic, quantitative monitoring will also be undertaken and can be conditioned under the permit Directional dust gauges will also be employed as previously stated.

49. Residents state that there is a higher than average incidence of Asthma in the Cowes area and express concern over the prospect of an asphalt plant being sited in the area.

The 2011-2012 Joint Strategic Needs assessment advises that *“...the Island has comparatively low rates of emergency admissions for asthma and diabetes in the under 19 age group, an improvement over recent years attributable to improved management of these conditions in the community.*

Information provided by the IOW NHS Trust states the incidence of asthma amongst children in Cowes and East Cowes;

| | Females 5-15 | Males 5-15 | Total with Asthma | Total with Asthma (both medical centres) | Total patients aged 5-15 | Incidence |
|------------------------------------|-----------------|---------------|----------------------|---|--------------------------------|----------------------|
| Cowes Medical Centre | 95 | 130 | 225 | 349 | 2752 | 349/2752 = 12.68% |
| East Cowes Medical Centre | 54 | 70 | 124 | | | |

Data from www.asthma.org.uk states that 1 in 11 children in the UK suffer from Asthma (9.09%). n.b. precise age group range not stated.

$12.68/9.09 = 1.3949$ which may indicate that Asthma rates amongst E Cowes and Cowes 5-15 year olds are approximately 39% higher than the national average. It appears likely that the incidence of asthma amongst 5 to 15 year olds in Cowes and East Cowes is significantly higher than the national average. No report has any firm evidence as to the cause of this difference.

Comments were sought from the Isle of Wight Primary Care Trust and a response received from The Consultant in Public Health & Associate Director of Public Health has stated *“It is our opinion that compliance with Process Guidance Note 3/15(12) Statutory guidance for roadstone coating September 2012, with the use of best available techniques, good management and regulation, will mean that the operation of this site is unlikely to have an impact on public health.”*

50. Residents raise concerns that the Isle of Wight Council has not discharged its' duties with regards to air quality as required by the Environment Act 1995 and subsequent Regulations.

The Local Air Quality management (LAQM) process places an obligation on all local authorities to regularly assess and review air quality in their areas, and to determine whether or not the air quality objectives are likely to be achieved. These objectives relate to prescribed pollutants . The ones relevant to this application are:

| Pollutant | Concentration | Measured as |
|--|--|---|
| Nitrogen dioxide | 200 $\mu\text{g}/\text{m}^3$ not to be exceeded more than 18 times a year 40 $\mu\text{g}/\text{m}^3$ | 1-hour mean Annual mean |
| Particles (PM₁₀) (gravimetric) | 50 $\mu\text{g}/\text{m}^3$, not to be exceeded more than 35 times a year 40 $\mu\text{g}/\text{m}^3$ | 24-hour mean Annual mean |
| Sulphur dioxide | 350 $\mu\text{g}/\text{m}^3$, not to be exceeded more than 24 times a year 125 $\mu\text{g}/\text{m}^3$, not to be exceeded more than 3 times a year 266 $\mu\text{g}/\text{m}^3$, not to be exceeded more than 35 times a year | 1-hour mean 24-hour mean 15-minute mean |

The Council has complied fully with these requirements in that it has undertaken and published various air quality reviews and updated screening assessments since 2000. Most recently the 2012 Updating and Screening Assessment Appraisal Report considered all regulated pollutants, monitoring data, road traffic sources, other transport sources, industrial sources, commercial and domestic sources and fugitive or uncontrolled sources. The Report concluded that there are no parts of the Island approaching these levels therefore there is no requirement to proceed to a Detailed Assessment for any pollutant or source. This conclusion has been accepted by DEFRA.

LAQM is an on-going process and future assessments and reviews will consider the impact of any new pollution sources. Permit conditions are designed so that the introduction of a regulated process will not have a significant adverse effect on air pollution.

51. Concern regarding the determination of the Environmental Permit before Planning Permission has been granted.

The Environmental Permitting (England and Wales) Regulations 2010 do not require that planning permission be a prerequisite to the granting of an Environmental Permit. Where site specific permit conditions cannot be confirmed until the site is built, conditions can be included which prevent the plant from being operated until appropriate information has been received.

52. Representations express disagreement with information contained within the application form that the proposed installation will not cause a nuisance.

Part of the application form asks whether the plant will cause nuisance to existing adjacent uses. Compliance with permit conditions will aim to prevent any statutory nuisance occurring to residential properties (in respect of air pollution alone). Other potential nuisance cannot be considered by the

committee in the determination of this application and would be a matter for the planning process.

53. Representations raise concerns that the objections to the Planning Application will not be considered when determining the Environmental Permit. They believe that some members of the public have raised issues with the planning application, but may not do with this permit application.

The planning and permitting processes are separate and distinct. However, air pollution issues that have been raised as part of the planning application process have been considered as part of this permit application.

54. Some representations feel the consultation period should have been extended due to certain diagrams and plans on the application document not being clear.

At the start of the consultation period, Environmental Health was made aware of three maps/diagrams which could not be read or interpreted on the website. This was immediately rectified, leaving over four weeks for interested parties to submit representations. Environmental Health does not consider this issue to have prevented interested parties from making representations within the time period.

55. Representations raise concerns over the adequacy of the Air Quality Assessment (AQA) provided with the Planning application.

There is no requirement for an AQA to be included with a permit application, nor is an AQA needed in order to determine a permit application. As stated in point 4, above, permit conditions are designed so that the introduction of a regulated process will not have a significant adverse effect on air pollution

56. One representation asks what are the health risks to the elderly, chronically sick or those with breathing problems.

Please refer to response under paragraph 6.4 above, and the response from the Isle of Wight Primary Care Trust.

57. Several representations raise concerns that the application states there will be continuous emission monitors in place, but these are not identified in the Planning Application TCP/30985.

The permit application contains greater detail than the planning application and the applicant has agreed to install continuous emission monitors within the stack to ensure the emission meet the emission limits of 50mg/m³. The alarm indicator will be set at 75% of this limit, to allow for operations to stop until the cause of the high levels have been investigated and corrected. The National Planning Policy Framework (NPPF) advises that the planning system should not seek to control processes subject to approval under other pollution control regimes. Therefore the appropriate place to control emission monitoring is via a permit and not the planning system.

58. Representations raise concerns that the application has not proposed any odour abatement.

Conditions are proposed which would require fumes within the bitumen storage tanks and the mixing tower to be ducted back through the drier burner in order to combust any odours arising during the adding of bitumen to the mixing vessel. During deliveries of bitumen fumes will be back vented to the delivery bulk tanker. The mixing tower is enclosed to control fugitive releases of emissions.

59. Concerns that the application states displaced air from binders (bitumen) does not pass through abatement plant prior to emission to the air.

It is proposed that bitumen will be stored in enclosed containers. During filling from bulk tankers, any displaced air will be drawn back into the bulk tanker. The bitumen containers design will not allow emissions to escape during transfer to the mixing tower. The transfer lines and the mixing tower are fully enclosed. The mixing tower is kept under negative pressure with air drawn through the burner drying and finally through the bag filter.

60. Concerns over the lack of wheel washing facilities identified in the application.

Environmental Health has discussed this matter with Eurovia who have agreed to identify a suitable system to prevent vehicles tracking material onto the public highway. This can be included as a condition of any Permit, but is more usually dealt with by planning conditions.

61. One representation raises concerns the applicant is applying for environmental permits for this proposed asphalt plant on a piece-meal basis which does not allow an overall understanding by the local community of the process (e.g. associated equipment in Column 1b Page 5 are not identified in the Permit application title).

This application relates only to an Environmental Permit for the hot asphalt roadstone coating plant. Separate permits would cover the processing of road planings, the use of a jaw crusher and the cold recycling mixing plant, should planning permission be granted.

62. Representations raise concern that the applicant has failed to describe the proposed systems to be used in the event of unintentional releases and their consequences.

The systems proposed by the applicant to prevent unintentional release to air are outlined in the applicant's supporting information. Environmental Health are of the opinion that the information does satisfactorily meet the requirements of the applicable process guidance note.

63. One representation raises that PM1 particulate matter is the cause of odours from volatile organic compounds in the process and as such a lack of odour abatement indicates a health risk from such compounds as those particles are carried much further distances than the larger PM10 nuisance dust.

Environmental Health are satisfied that the applicant has demonstrated that they can control odour to a satisfactory level.

64. Representations raise concerns over the effects from the proposed plant on the adjacent Site of Special Scientific interest.

In assessing this application in relation to the nearby SSSI, EH has taken into consideration representations made by the Councils Ecology officer and Natural England.

The representations received from Natural England raise no adverse comments in respect to air pollution which is the subject of this application. They indicate this comment is on the basis that the site's overall impact is mitigated both by the positioning of a peripheral bund and cladding of plant. These matters would be the subject of planning conditions.

65. Queries within representations over what the term 'Granulate' means, and its function within the overall process.

The term 'Granulate' otherwise known as fibre pellets, are cold asphalt slugs blended with additives to a recipe and wrapped in paper together with synthetic or natural fibres. The pellets are free flowing and normally delivered in bags or by bulk tankers into a holding silo for transfer by a weighing system into the asphalt plant mixer. When mixed with hot aggregates and bitumen in the plant mixer, the fibre pellets melt into the mix to form a modified and homogeneous asphalt product. The pellets are less than 20mm in size and would be delivered cold to the proposed plant into a storage silo of approx 10 tonnes capacity for later transfer into the plant mixer by a low pressure blowing system. During filling from a bulk tanker, the silo would be vented through a filtration unit operated automatically.

66. One representation raises concerns over the current standards if they were, sometime in the future, found to be inadequate in protecting health, indicating the Isle of Wight Council has a duty of care to consider current research

Under the regulations the Local Authority is required to review permits every six years. The statutory guidance notes are reviewed on a similar 6 yearly basis in order to take into account new technologies and further advancements. The current process guidance note for Roadstone Coating was reviewed in 2012.

67. One representation raises concerns over what safety devices will be used in event of power failure or computer malfunction.

In the event of power failure, the plant is likely to rely on generators until power is restored. Alternatively operations will cease until power is restored. Similarly, and with regard to computer malfunction, the operation relies on computers to ensure the final product will meet the required specification. The plant will therefore cease operating under these circumstances.

68. There are concerns over what period/un-intentional leaks from the installation will have on the River Medina, East and West Cowes and all other down-wind populated areas and natural environs.

The Part B permitting process considers emissions to air alone. In the event that there were to be an unintentional release from the proposed process the Environmental Liability Directive would be applicable. This seeks to achieve the prevention and remedying of environmental damage. It reinforces the “polluter pays” principle - making operators financially liable for actual environmental damage. Any unintentional release would be notifiable under permit conditions.

MATTERS NOT RELEVANT TO THE DETERMINATION OF THIS APPLICATION

69. Several representations raise concerns that none of the objections to the permit have been published online (as has been done with the planning application), suggesting this does not allow adequate public consultation.

Chapter 9 of the ‘General Guidance Manual on Policy and Procedures for A2 and B Installations’ outlines the procedures the LA should adopt when administering permit applications. There is no requirement for representations to be published, only that they be considered. Officers of Environmental Health have considered and addressed the points raised by interested parties within this document. All representations are provided at the offices of Environmental Health (Jubilee Stores) in hard copy format for the public to view.

70. A number of representations raise the French Appeal Court decision concerning Eurovia Roadstone. They have outlined they feel this indicates that Eurovia is not a responsible organisation and there are significant adverse health effects from bitumen.

This case considered a road worker’s chronic exposure to bitumen which is an occupational health and safety matter. There is no correlation between this case and any potential air pollution effects from the proposed roadstone coating plant. Occupational exposure and environmental permitting are separate and distinct. The responsible authority for health and safety issues would fall under the jurisdiction of the Health and Safety Executive.

71. Representations raise concerns regarding the use of ‘mobile’ equipment on site where such equipment is permitted by a mainland authority.

The application in question can only consider the hot roadstone coating plant.

Eurovia have informed Environmental Health that they do not intend to make any decision over what specific plant will be used for the handling of recycled asphalt (Jaw Crusher and Cold Recycling Asphalt Mixing Plant), until such time as the planning application has been determined.

Following recent legal advice Environmental Health are of the opinion that the Jaw Crusher and Cold Recycling Asphalt Mixing Plant cannot be operated

under mobile permits and will not allow this should they choose not to apply for suitable permits if planning permission granted . Therefore Eurovia have been written to advising them of matter.

72. One representation has asked how residents can register a complaint regarding any air pollution from the proposed site and what will be done about their complaint.

In the event of any visible dust emission or odour being evident outside the site boundary any persons should contact Isle of Wight Council Environmental Health Department on 01983 823000 (out of hours contact via Wightcare on 01983 821105). The complaint will be investigated and appropriate action taken in accordance with the Regulatory Services Procedures and Enforcement Policy.

73. Representations raise concerns over the permit application claiming that there is no recycling of road planings mentioned.

This permit application only relates to the hot asphalt roadstone coating process which uses oil derived bitumen and virgin aggregates. Any concerns over the recycling of road planning must be dealt with either through the planning process, or through the environmental permit for the handling of hazardous waste material, which is issued by the Environment Agency.

74. One representation raises that, although the applicant has outlined in the application that they are accredited under ISO 14001, this may not be applicable to this site.

Environmental Health has no power to require the site operator to obtain and maintain such accreditation. Emission limits are the same regardless of whether such accreditation is held.

75. Concerns are raised that the cold recycling of hazardous, coal tar containing asphalt pavement was not included in this application.

This application only concerns the hot asphalt mixing plant which the applicant had outlined will not use recycled asphalt planings. Permit condition can be used to prohibit the use of the recycled material in the hot asphalt process.

76. One representation raises concerns over the controls to protect health from the entire process for the handling of recycled material (*"from the moment Eurovia dig up the old roads right through to laying the new roads"*).

This application only considers emissions to air from the application site.

77. One representation highlighted the article in the Dec.2011 edition of The Lancet - 'Evaluation of occupational exposure to bitumen and bitumen emissions' which cites 'There is inadequate evidence in humans for the carcinogenicity of occupational exposures to straight run bitumen during road paving'

This article relates to occupational exposure and is not relevant to environmental permitting.

PROCESS GUIDANCE NOTE 3/15(1)

78. The Process Guidance Note 3/15(12) Statutory Guidance for Road Stone Coating provides a model permit for Hot asphalt Roadstone Coating Plants. Under each standard condition Environmental Health has outlined their opinion on whether the applicant is able to comply with the requirement. Where the guidance condition leaves to the regulator the decision as to the insertion of site specific wording these additions are shown in brackets.
79. *Condition 1 – No visible particulate matter shall be emitted beyond the installation boundary.*

The applicant's supporting information details the techniques for controlling particulate matter and visual checks (paragraph 2.5.2). Environmental Health are satisfied that this condition can be met.

80. *Condition 2 - The emission requirements and methods and frequency of monitoring set out in Table 1 shall be complied with. Any monitoring display required for compliance with the permit shall be visible to operating staff at all times. Corrective action shall be taken immediately if any periodic monitoring result exceeds a limit in Table 1, or if there is a malfunction or breakdown of any equipment which might increase emissions. Monitoring shall be undertaken or repeated as soon as possible thereafter and a brief record shall be kept of the main actions taken. The continuous monitors shall be fitted with a visible and audible alarm warning of arrestment failure or malfunction. They shall activate when emissions reach 75% of the relevant emission limit in Table 1 and record automatically each activation. Alarms shall be tested at least once a week.*

Table 1 can be found on pages 11 and 12 of the Process Guidance Note 3/15(12) 'Statutory Guidance for Roadstone Coating'.

Section B.2.1 outlines that the type of filtration installed will achieve a particulate release of <25mg/m³ which is below the limit of 50mg/m³ limit required by Process Guidance Note 3/15(12) 'Statutory Guidance for Roadstone Coating'.

The Air Quality Report provided by WYG dated August 2012 calculates that the objectives contained in the Air Quality (England) Regulations 2000, including that for the proposed PM_{2.5} level of 25 µg/m³ for 2020, will not be exceeded.

There are criticisms over the predicted 'existing background levels' that were provided in the report. However, the levels used were the mean average of levels obtained from the UK Automatic Urban Rural Network monitoring stations near Southampton, Portsmouth and Bournemouth, which are operated on behalf of DEFRA.

The reports 'existing background levels' are also comparable with what was predicted by AEA Technology plc in 2004 who were commissioned to carry out an air quality assessment for the Island. The areas on the Island where PM10 was considered to be the highest were identified and modelling was carried out. They calculated PM10 levels would not be greater than 23 µg/m³ as an annual mean. Therefore the areas surrounding the Medina Wharf site are significantly below the air quality objectives of 40 µg/m³ as an annual mean, contained in the Air Quality (England) Regulations 2000.

The emission monitoring frequency and methods required in table 1 of Process Guidance Note 3/15(12) 'Statutory Guidance for Roadstone Coating' allow the operator to use either "Periodic, quantitative monitoring every 6 months or Periodic, quantitative annual monitoring; plus continuously recorded filter leak monitoring. The applicant has chosen the option of Periodic, quantitative monitoring every 6 months, but as outlined in **Section 2.3.17** the applicant has agreed to install a continuous indicative emission monitor to be fitted into the chimney. The section outlines that this will have a continuous read out of emissions at all times in the plant control room. In addition, emissions will be recorded for a 365 day period with options to select a high level emission alarm at 75% of the legal limit. The emission monitor will be calibrated annually from an extractive particulate emission sampling test to ISO 9096:2003.

Therefore Environmental Health is of the opinion that the applicant can meet this requirement.

81. *Condition 3 - All plant and equipment capable of causing, or preventing, emissions and all monitoring devices shall be calibrated and maintained in accordance with the manufacturer's instructions. Records shall be kept of such maintenance.*

Section 2.3.17 outlines that the continuous indicative emission monitor will be calibrated annually from an extractive particulate emission sampling test to ISO 9096:2003

82. *Condition 4 – The use of Recycled asphalt shall not be used in the Hot Asphalt mixing plant:*

Environmental Health are satisfied that this condition can be complied with by the applicant.

83. *Condition 5 - Fillers and bitumen shall only be stored within the filler and bitumen silos.*

This condition would prohibit the operator from storing dusty (i.e. fillers) and odorous (i.e. bitumen) material anywhere other than in their designated silos.

Section B.2.1 outlines the following will be installed on site:

- 80t reclaimed filler silo
- 80t imported filler silo.
- 2x100t capacity heated bitumen tanks

The silos are enclosed/sealed, and the materials are introduced in to the process via pipework with no exposure to the open air.

84. *Condition 7 - Silos shall not be overfilled and there shall be an overfilling alarm.*

Section 2.3.19 outlines that all silos will have continuous level indication with both high and low level alarms.

Section 2.3.21 outlines that all deliveries of imported filler or cement powders will be overseen by an authorised person who will record the time of arrival and leaving site

85. *Condition 8 - When loading filler silos, deliveries must stop automatically where over-pressurisation or over-filling is identified*

Sections 2.3.20 and 2.3.23 outline that all silos for dusty materials will be fitted with protection systems to prevent any further delivery of material when the high level indicator is reached. In addition, bulk tankers have on-board pressure relief and filtration systems and truck mounted protection system to ensure that excess transfer air from the tanker at the end of a delivery will not be released through the silo

86. *Condition 9 - Displaced air from pneumatic transfer shall pass through abatement plant prior to emission to air.*

Section 2.3.20 outlines that bulk delivery tankers are fitted with their own filtration systems. Section 2.3.19 outlines that all silos are fitted with venting filters designed to control emissions to <10mg/m³.

87. *Condition 10 - Dusty materials (including dusty wastes) shall only be stored in [stock bays as detailed in the application (section 2.3.4) which have 3 sides and a roof] as detailed on the plan attached to this permit and shall be subject to suppression and management techniques to minimise dust emissions.*

Section 2.3.4 outlines that bays with 3 sides and a roof are provided for material <3mm in size. Sand is the only material of this size used in the Hot Asphalt plant, which is kept wet during storage and handling. The application also outlines that the whole stocking area would be complete with a dust suppression system designed to control nuisance at source by wetting or damping aggregates from strategically placed spray bars with options to select further rain maker rotating sprays or mist sprays into the ramp area to condition spillages during loading of aggregates into the cold feed hoppers.

88. *Condition 11 - All dusty materials, including wastes, shall be conveyed using fully enclosed conveyors. All transfer points shall be fitted with [belt scrapers and catch plates].*

C13 of the application confirms that fully enclosed conveyors would be used and c15 outlines these will be cleaned using belt scrapers and catch plates. 2.3.6. The cold feed system comprising 8 hoppers, will be fitted with wing

(catch) plates to prevent spillage and contamination and covered within a canopy enclosure comprising three sides and a roof to prevent wind whipping during loading. Each hopper will be complete with variable speed belt feeders discharging onto collecting conveyers feeding into the rotary dryer. All feed conveyers will be fitted with belt scrapers and the external inclined conveyer feeding the dryer will be fitted with steel covers to one side and roof, which will be fully enclosed.

89. *Condition 12 - No potentially dusty materials (including wastes) or finished products shall arrive on or leave the site other than by use of [bulk carrier tankers using pneumatic pipe work system with on-board pressure relieve and filtration systems designed to control emissions to <10mg/m³, fitted with truck mounted protection system to ensure that excess transfer air from the tanker at the end of a delivery will not be released through the silo].*

Section 2.3.20 outlines that all deliveries of imported filler or cement powders would only be made using bulk tankers having on-board pressure relieve and filtration systems, and fitted with its own truck mounted protection system to ensure that excess transfer air from the tanker at the end of a delivery will not be released through the silo.

90. *Condition 13 - All areas where there is regular movement of vehicles shall have a consolidated surface capable of being cleaned, and these surfaces shall be kept clean and in good repair.*

Section 2.3.2 outlines that the whole of the plant area will be hard surfaced.

91. *Condition 14 - Vehicles shall not track material from the site onto the highway*

Section 2.3.2 outlines that the whole of the plant area will be hard surfaced and served by a comprehensive site draining system designed to also handle the outfall from dust suppression sprays wherever it is needed at site. Section 2.3.3 outlines that selectable suppression systems with a combination of mist and rainmaker sprays will be installed and it is expected that a regular internal road cleaning program with a vacuum road sweeper will be arranged.

92. *Condition 15 - The fabric of the [asphalt plant] shall be [maintained dust tight and doors shall be kept closed when not in use].*

Section 2.3.9 outlines that the plant will be designed and built to ensure that the process flow of hot aggregates going forward from the dryer through screening, weighing and mixing sections are contained within encapsulated dust tight enclosures and maintained under suction from the plant exhaust and collection plant to control emissions at source.

It then outlines in section 2.3.10 that the air from that enclosure will be exhausted through the filtration plant to prevent fugitive emissions at source within the building.

93. *Condition 16 - Written or computer records of all tests and monitoring shall be kept by the operator for at least [24 months]. They [and a copy of all manufacturer's instructions referred to in this permit] shall be made available*

for examination by the Council. Records shall be kept of operator inspections, including those for visible and odorous emissions.

Environmental Health consider that this condition can be complied with.

2.4.2. A PC driven control system will monitor all operational aspects of the process and the current status will be displayed on one or more colour monitors in the plant control room.

2.4.3. Should any section of the plant fail for any reason or a fault condition arise, automatic fail safe trip systems will be initiated to trip out the faulty motor or device and also trip out the affected preceding section of the process to prevent plant damage, fire and danger to life. These precautions will also prevent loss of product and secondary nuisance leading to fugitive environmental problems.

2.4.4. Alarms will be also initiated, both visually and audibly in the control room and remotely. In addition, a data logging system will continuously record all operational aspects of the plant including a fault log. The siting of remote alarms outlined in this section will need to be agreed to ensure their audibility across the site.

94. *Condition 17 - Staff at all levels shall receive the necessary training and instruction to enable them to comply with the conditions of this permit. Records shall be kept of relevant training undertaken.*

Section 2.6.4. outlines that training will be given to all managers, supervisors and plant operators in all aspect of process plant operation including aspects of their work which directly or indirectly could give rise to emissions to the atmosphere. The training needs for each member of the staff will be reviewed annually and a training plan developed in accordance with the relative procedure under the Quality Management System.

95. *Condition 18 - The best available techniques shall be used to prevent or, where that is not practicable, reduce emissions from the installation in relation to any aspect of the operation of the installation which is not regulated by any other condition of this permit.*
96. *Condition 19 - If the operator proposes to make a change in operation of the installation, he must, at least 14 days before making the change, notify the regulator in writing. The notification must contain a description of the proposed change in operation. It is not necessary to make such a notification if an application to vary this permit has been made and the application contains a description of the proposed change. In this condition 'change in operation' means a change in the nature or functioning, or an extension, of the installation, which may have consequences for the environment.*

No further officer comment is required in relation to model conditions 18 & 19.

97. Additional conditions that will also need to be included on the permit are attached at Appendix A

RECOMMENDATION

98. Officers are of the opinion that the applicant has provided sufficient information to meet the standards of Process Guidance Note 3/15(12) Statutory Guidance for Roadstone coating. Environmental Health has no reason to believe that the applicant is not competent to comply with any Permit. Therefore Environmental Health recommends that the Permit be granted with conditions outlined in section 7 of the report and Appendix A.

APPENDICES

[Appendix A](#) Proposed additional conditions

[Appendix B](#) Outline of a Roadstone Coating (Asphalt) plant

[Appendix C](#) Location Map

BACKGROUND PAPERS

Environmental Permitting - General Guidance Manual on Policy and Procedures for A2 and B Installations (DEFRA)

<http://www.defra.gov.uk/publications/2011/05/12/pb13524-ep-general-guidance/>

Process Guidance Note 3/15(12) Statutory Guidance for Roadstone coating (DEFRA) <http://www.defra.gov.uk/industrial-emissions/files/06092012-pgn-315.pdf>

Permit Application:

http://www.iwight.com/living_here/environment/environmental_health/Environmental_Protection/Industrial_Processes_Regulation/default.asp

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